

DEC 12 2005

SMART & BIGGAR*Intellectual Property & Technology Law***To Fax no.:** 1-571 273 8300**Page 1 of:** 8**Attention:** MAIL STOP AFTER FINAL**From:** SMART & BIGGAR**Your file no.:** 09/749,423**Reply to Ottawa file no.:** 77682-249P.O. Box 2999, Station D
55 Metcalfe Street, Suite
900
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		77682-249/wfs	
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on _____		09/749,423	12/28/2000
Signature _____		First Named Inventor	
Typed or printed name _____		AHMED REZA, ET AL	
		Art Unit	Examiner
		2133	Shelly A. Chase
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
I am the			
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<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		R. Allan Brett	
<input checked="" type="checkbox"/> attorney or agent of record.		Typed or printed name	
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<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.		Telephone number	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/749,423
Applicant : Ahmed Reza, et al
Filed : December 28, 2000
TC/A.U. : 2662
Examiner : Saba Tsegaye

Confirmation No. 5683

Docket No. : 77682-249
Customer No. : 07380

Commissioner for Patents
Alexandria, VA 22313-1450
U.S.A.

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the final rejections issued in connection with the above-identified application on July 12, 2005. A Notice of Appeal has been submitted concurrently herewith.

The Examiner has rejected claims 1-11, 13-23, 27-43 and 47 under 35 U.S.C. 103(a) as being unpatentable over Agrawal (U.S. Patent Publication No. 2004/0024901) in view of Fujino (U.S. Patent No. 6,085,222) on page 2 of the Final Office Action.

Applicant respectfully submits that there are clear errors in the above rejections, and that essential elements required for a prima facie rejection have not been met. In particular, as discussed in detail below, the cited references do not disclose all the limitations of the rejected claims.

With regard to claim 1, the Examiner alleges at the bottom of page 2 of the Final Office Action that Agrawal discloses "a network node adapted to forward a data packet to a mobile host connected to a radio node by performing a remote method invocation with the data packet as an argument".

The Examiner, in the Final Action (also at page 2 near the bottom) equates the "delivery/forwarding of packets...to a remote method invocation". Applicant submits it is a clear error to equate a remote method invocation with "forwarding/delivering a packet". The preamble of claim 1 recites the network node is adapted to forward a data packet to a mobile host and the "performing a remote method invocation" is the manner of how the data packet is forwarded. The Examiner has not addressed Applicant's described differences submitted in the Office Action response of October 13, 2004 (page 18, third and fourth paragraphs) between how the network node forwards the data packet

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by remotely invoking a method of the relocatable object associated with the mobile node to receive the packet and the method of forwarding a message using global and local care-of-addressing as disclosed in Agrawal.

It is a clear error to equate a stationary object of the present application with "entries in the table of the home agent 212" and a relocatable object of the present application with "entries in the table of the mobility agent 242" (see page 2 of the Final Office Action). As described on page 10 of the present application, at line 3, "in object oriented systems, an object is an independent software unit. Each object has some properties (or attributes) and some operations (or methods) associated with it. An object exposes its functionalities through its methods". The stationary and relocatable objects are more than just entries in tables for redirecting messages based on associations with a home address of a mobile node and a care-of-address of where the mobile node is currently located. Furthermore, the "entries in the tables of the mobility agent 242" are not relocatable and the Examiner has conceded there is no distributed object framework in Agrawal on page 3, second paragraph of the Final Office Action.

It is submitted that Agrawal alone does not disclose all the features relied upon in claim 1 to render claim 1 obvious for at least the reasons discussed above. In addition, Fujino does not disclose "performing a remote method invocation with the data packet as an argument". Applicant submits that the Examiner has clearly failed to satisfy the necessary requirement that the cited references of Agrawal and Fujino, either alone or in combination, teach all the features of claim 1.

As described in the Office Action response filed September 14, 2005 on the last paragraph of page 3 and continuing onto page 4, Applicant submits that the Examiner has further failed to establish a proper motivation to combine the references.

For at least the above-discussed reasons it is submitted that there is a clear deficiency in establishing a prima facie case of obviousness with respect to claim 1.

Claim 2 is dependent upon claim 1 and recites additional limitations of the network node. What is being recited in claim 2 is not what is disclosed by Agrawal. Claim 2 recites that the stationary and relocatable objects comprise "attributes and methods". It is a clear error to equate entries in the table of the mobility agent 242 used to associate the mobile node address and its care-of-address in Agrawal to attributes and methods as recited in claim 2. Methods of an object-oriented nature are not disclosed by Agrawal, and as such data packets are not directed to a mobile node by invoking any type of receive data packet method in a relocatable object. The first paragraph on page 10 of the

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Office Action response filed September 14, 2005 described the operation of system of Agrawal. In the present application, it is the method of the relocatable object associated with the mobile host that is remotely invoked through the distributed network that allows the packet to be forwarded. Based upon the operation of Agrawal, the Examiner's rejection of claim 2 is without basis.

Claims 2-11 and 13 are dependent upon claim 1, either directly or indirectly. Applicant submits that the combination of Agrawal and Fujino does not teach all the limitations of each of the dependent claims as the combination does not teach the limitations of claim 1.

With regard to claims 14 and 39, the Examiner states that Agrawal discloses most of the features of claims 14 and 39, but that Agrawal fails to disclose that the mobile host is in wireless communication with the radio access node (page 7, last three paragraphs of the Final Office Action).

Since the entries in the table of the mobility agent 242 do not contain methods, such as the "remotely invokable receive data packet method" as recited in claims 14 and 39, but contain care-of-addresses associated with global address of the mobile node 246, the Examiner has clearly failed to establish that all of the limitations of these claim are disclosed by the combination of references. Therefore, the rejection is clearly deficient in respect of establishing a prima facie case of obviousness.

Claims 16-23 and 27-29 are dependent upon claim 14 and claims 40-43 and 47-49 are dependent upon claim 39. For at least the reasons discussed above with respect to claims 14 and 39, Applicant submits that there is a clear deficiency in establishing a prima facie case of obviousness with respect to claims 15-23, 27-29, 40-43 and 47-49.

Claim 30 is a claim directed to a radio access network. The Examiner alleges on page 11 of the Final Office Action that Agrawal discloses most of the features recited in claim 30, except that the network node has the capabilities of a gateway node.

It is submitted that Agrawal does not disclose "a distributed object framework through which methods on objects comprising attributes and methods located on the different network nodes may be remotely invoked" (emphasis added) as recited in claim 30. The Examiner seems to concede this fact on page 3, second paragraph of the Final Office Action as is fully discussed on page 7 and the first paragraph on page 8 of the Office Action response filed On September 14, 2005. Since the Examiner concedes that Agrawal does not disclose the network node (home agent 212) adapted to be connected to such a distributed object framework, then obviously Agrawal cannot disclose a distributed object framework. Agrawal also does not make use of objects comprising attributes and methods, in

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particular a "receive packet method" which is recited in claim 30. Based on the above discussion, it is clear that the Examiner's grounds for rejection are without basis.

For at least these reasons, it is submitted that Agrawal does not disclose all the features recited in claim 30. Fujino does not disclose or suggest all the features lacking in Agrawal and relied on by the Examiner to be disclosed by Agrawal. Therefore, the cited references of Agrawal and Fujino, either alone or in combination, do not teach all of the features recited in claim 30. Therefore, the rejection is clearly deficient in respect of establishing a prima facie case of obviousness.

Claim 34 is a claim reciting a method directed to subject matter similar to that of claim 2 and is allowable for at least the same reasons. Claims 31 to 33 are dependent upon claim 30 and claims 35 to 38 are dependent upon claim 34. These claims are allowable for at least the same reasons as discussed above with regard to claims 30 and 34.

The Examiner has rejected claims 6 to 8, 14, 15, 30, 39 and 40 under 35 U.S.C. 103(a) as being unpatentable over Agrawal in view of Ahmed (U.S. Patent No. 6,747,961) on page 15 of the Final Office Action.

The Examiner has conceded on page 3, second paragraph of the Final Office Action that Agrawal does not teach all the features of claim 1. Ahmed does not disclose or suggest the features lacking in Agrawal and relied on by the Examiner to be disclosed by Agrawal to establish that claim 1 and dependent claim 6 are obvious. As a result, the cited references of Agrawal and Ahmed, either alone or in combination, do not teach all the features of claim 6. Therefore, the rejection is clearly deficient in respect of establishing a prima facie case of obviousness.

With regard to claim 14, the Examiner states that Agrawal discloses all the features of claim 14, but that Agrawal fails to disclose that the mobile host is in wireless communication with the radio access node (see page 16 of the Final Office Action, third last paragraph). The radio access node of claim 14 is similar to the network node recited in claims 1 and 2, with regard to the object-oriented nature of the recited relocatable object that is a part of the radio access node and which is associated with the mobile host.

For similar reasons described above pertaining to claims 1 and 2, it is submitted that Agrawal does not teach all the features of claim 14, in particular, the object-oriented nature of the relocatable object and the use of a remote method invocation. Ahmed does not disclose or suggest the features lacking in Agrawal and relied upon by the Examiner to be disclosed by Agrawal. Therefore, the cited references of Agrawal and Ahmed, either alone or in combination, do not teach all the features of

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claim 14. Therefore, the rejection is clearly deficient in respect of establishing a prima facie case of obviousness.

Claim 39 is a method claim directed to subject matter similar to that of claim 14 and is allowable for at least the same reasons.

Claims 7 and 8 are dependent upon claim 6 and claim 1, respectively. Claim 15 is dependent upon claim 14. Claim 40 is dependent upon claim 39. Claims 7, 8, 15 and 40 patentably distinguish over the combination of Agrawal and Ahmed for at least the reasons discussed above with regard to claims 1, 14 and 39.

With regard to claim 30, it is submitted that Agrawal does not disclose all the features recited in claim 30 for at least the reasons submitted in the last three paragraphs of page 11 in the Office Action response filed September 14, 2005. The rejection is clearly deficient in respect of establishing a prima facie case of obviousness.

The Examiner has rejected claims 12, 24, 26 and 44 under 35 U.S.C. 103(a) as being unpatentable over Agrawal in view of Verma (U.S. Patent No. 6,522,880) on page 19 of the Final Office Action.

Claim 12 is dependent upon claim 1. Claims 24 and 26 are dependent upon claim 14. Claim 44 is dependent upon claim 39. The Examiner has conceded on page 3 of the Final Office Action that Agrawal does not disclose all the features of claim 1 and on pages 7 and 16 of the Final Office Action that Agrawal does not disclose all the features of claims 14 and 39. Verma does not teach the features conceded by the Examiner not to be taught by Agrawal in claims 1, 14 or 39. Therefore, the cited references of Agrawal and Verma, either alone or in combination, do not teach all the features of claims 12, 24, 26 and 44. Therefore, the rejection is clearly deficient in respect of establishing a prima facie case of obviousness.

Respectfully submitted,

AHMED REZA, ET AL.

By 

Allan Brett

Reg. No. 40,476

Date: December 12, 2005

RAB:MSS:rld